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June 29, 2023

BY ECF

The Honorable Vincent L. Briccetti
United States Courthouse
300 Quarropas Street, Room 630
White Plains, NY 10601

Re: *UnitedHealthcare Insurance Company v. Regeneron Pharmaceuticals, Inc.*, 7:20-cv-10664 (“*United*”); *Humana Inc. v. Regeneron Pharmaceuticals, Inc.*, 7:21-cv-06245 (“*Humana*”)

Dear Judge Briccetti:

We write on behalf of Defendant Regeneron Pharmaceuticals, Inc. (“Regeneron”), and in accordance with the Court’s direction in its Orders dated December 29, 2022, (*United*, ECF No. 46; *Humana*, ECF No. 40), to provide a status update on *United States v. Regeneron Pharmaceuticals, Inc.*, No. 1:20-cv-11217 (D. Mass. filed June 24, 2020) (the “DOJ Action”).

Since Regeneron’s last status update to Your Honor in December 2022, the DOJ Action has progressed substantially. Summary judgment motions from both sides were fully briefed as of June 8, 2023; the United States filed a motion for partial summary judgment on December 28, 2022, which was fully briefed by March 8, 2023, and Regeneron filed a motion for summary judgment on January 31, 2023, which was fully briefed by June 8, 2023, with the filing of a sur-reply by the United States. Oral argument on both motions has been scheduled for July 21, 2023 at 2 p.m. The Court has scheduled a status conference for July 7 at which certain pending issues may be addressed. Fact and expert discovery are otherwise complete.

Separately, as noted in our June 2022 letter to the court, the four other lawsuits filed by third-party insurance companies against Regeneron that are pending in the District of Massachusetts, each of which is substantively identical to the *United* and *Humana* actions, remain stayed pending resolution of the DOJ Action.

We are available to address any questions at the Court’s convenience.

Respectfully submitted,

/s/ H. Christopher Boehning

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